

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BEYOND SYSTEMS, INC.

Plaintiff

v.

World Avenue USA, LLC, *et al.*

Defendants.

World Avenue USA, LLC,

Third-Party Plaintiff

v.

JAMES JOSEPH WAGNER, *et al.*

Third-Party Defendants

Case No. 8:08-cv-00921 (PJM)

**THIRD-PARTY DEFENDANTS' SECOND SUPPLEMENT
TO REPLY MEMORANDUM AT DE 376**

Third-party Defendants James Joseph Wagner and Hypertouch, Inc., through counsel, submit this second supplement to the Reply Memorandum at DE 376 to correct errata and to insert omitted references to specific paragraphs in the declarations attached to the Reply. None of these references alter the substance of the text in the Reply. These insertions are underlined in the hard copy sent to the Clerk's office, and in an additional copy provided to Defendants' counsel.

- 1) At p. 15, l. 6 "demonstrated" should be "made"
- 2) At p. 19, l. 22 "paul@catalia.net" should be "paul@castalia.net"

3) At p. 20, l.9 “nospam_domains@beyondsystems.net,” should be “nospam_domains@beyondsystems.net),”

4) At p. 22 “Joe/Hyp” should be “they”

5) At p. 28, l.23 “MISCONTRUES” should be “MISCONSTRUES”

6) At p. 29 l. 11 “spam deny” should be “spam statutes deny”

References to paragraphs in the Declarations attached to the Reply at DE 377-1 and -2:

7) At p. 9, line 13 insert “¶¶41, 45.”

8) At p. 14, line 22 insert “¶4.”

9) At p. 15, line 1 insert “¶9.”

10) At p. 15, line 4 insert “¶¶3, 9, 10, 23.”

11) At p. 15, line 24 insert “¶¶5 – 8.”

12) At p. 16, line 12 insert “¶5.”

13) At p. 18, line 6 insert “¶¶61, 62.”

14) At p. 19, line 11 insert “¶¶3, 9, 10, 23.”

15) At p. 21, line 1 insert “¶22; J. Wagner Declaration ¶12.”

16) At p. 24, line 25 insert “¶¶12, 13, 14.”

17) At p. 28, full citations of cases listed.

Respectfully Submitted,

/s/

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Certificate of Service

I certify that a copy of the foregoing documents was served on the date of
ECF filing, via the ECF system, on all counsel of record.

/s/

Stephen H. Ring